

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

SDNY PRO SE OFFICE

OCT 13 PM 3:25

UNITED STATES DISTRICT COURT

for the

SOUTHERN District of NEW YORK

Division

Case No.

(to be filled in by the Clerk's Office)

THOMAS T. JOSEPH

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

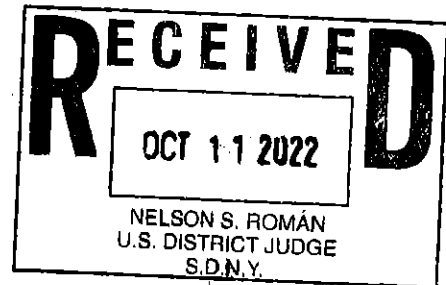
Jury Trial: (check one) ☐ Yes ☒ No

County of Westchester

DCMH, Thomas S. Provappallil,
Supervisor

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)



Resubmission of Case 7:20 CV 00420-NSR

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

THOMAS T. JOSEPH

Street Address

21 ALBEMARLE ROAD

City and County

WHITE PLAINS, WESTCHESTER

State and Zip Code

NY, 10605

Telephone Number

(914) 946-9475

E-mail Address

ttjoseph08@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

Defendant No. 1

Name

Job or Title (if known)

WESTCHESTER COUNTY

Street Address

148 MARTINE AVENUE

City and County

WHITE PLAINS, WESTCHESTER

State and Zip Code

NY, 10601

Telephone Number

E-mail Address (if known)

Defendant No. 2

Name

THOMAS S. POOVAPPALLIL

Job or Title (if known)

DIRECTOR

Street Address

112 EAST POST ROAD, 2nd Floor

City and County

WHITE PLAINS, WESTCHESTER

State and Zip Code

NY 10601

Telephone Number

E-mail Address (if known)

tps2@westchestergov.com

Defendant No. 3

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Defendant No. 4

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	<u>Westchester County DEPT</u>
Street Address	<u>112 East Post Road, 2nd Floor</u>
City and County	<u>White Plains, NY - WESTCHESTER</u>
State and Zip Code	<u>NY 10601</u>
Telephone Number	<u>N/A</u>

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Other federal law (specify the federal law):

SEXUAL DISCRIMINATION



Relevant state law (specify, if known):



Relevant city or county law (specify, if known):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (check all that apply):

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☐ Retaliation.
- ☐ Other acts (specify): _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s) _____

C. I believe that defendant(s) (check one):

- ☐ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

- ☐ race _____
- ☐ color _____
- ☒ gender/sex MALE (Sexual Discrimination)
See attached
- ☐ religion _____
- ☐ national origin _____
- ☐ age (year of birth) _____ (only when asserting a claim of age discrimination.)
- ☐ disability or perceived disability (specify disability) _____

E. The facts of my case are as follows. Attach additional pages if needed. See attached.

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

See attached explanation (2 pages)

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

N/A

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date) _____.

- B. The Equal Employment Opportunity Commission (check one):

☐

has not issued a Notice of Right to Sue letter.

☐

issued a Notice of Right to Sue letter, which I received on (date) _____.

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Please see attached:

- ① Rehire me
- ② Requesting monetary damages (pages 7&8)

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10/10/22

Signature of Plaintiff

Printed Name of Plaintiff

THOMAS T. JOSEPH

B. For Attorneys N/A

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

October 10, 2022

Closed Case No. **7:20-cv-00420-NSR**

COMPLAINT Summary (Page 1 of 2)

U.S. District Court
Southern District of New York

THOMAS T. JOSEPH

Plaintiff

~~-Against-~~

Westchester County *Defendant(s)*
Department of Community Mental Health (DCMH) – Thomas S. Poovappallil, Supervisor

The complaint of the plaintiff, Thomas T. Joseph, respectfully shows and alleges as follows:

1. The plaintiff herein, Thomas T. Joseph, is a Westchester County resident lives in 21 Albemarle Road, White Plains, New York 10605
2. The defendant(s) herein addresses are, (a) Westchester County, 148 Martine Avenue, White Plains, NY 10601, and (b) Thomas S. Poovappallil, Supervisor - DCMH, 112 East Post Road, White Plains, NY 10601
3. ~~Plaintiff Joseph was promoted to SUPERVISOR-FISCAL OPERATIONS and started~~ working at DCMH since February 2012. Previously (06/2008-02/2012): he was working as an ACCOUNTANT II with Westchester County Department of Health, New Rochelle. All of his appointments were through proper channel, passed all Civil Service tests.
4. ~~As soon as the plaintiff started working at DCMH, the Supervisor made the workplace as~~ a hostile work environment for the complainant. The Department is supposed to be promoting "Mental Health". However, the plaintiff's mental health went significantly down after joining the department. Despite this, none of the work assignments were affected by the Supervisor's rough behavior towards the plaintiff. (Please see # 6 below)
5. All other staff under the Supervisor were females except the plaintiff. Mr. Poovappallil was very nice and friendly with all female staff. One of the female staff (Mercy J.) who was working under the plaintiff eventually started working under Mr. Poovappallil. Both plaintiff and Mercy J. were coworkers at the County Health Department.
6. The Plaintiff's latest available Job Performance Evaluation (signed on 03/09/2016) all 21 items were rated as (a) meets job requirements (10 items or 47.62%) and (b) **exceeds job requirements** (11 items or **52.38%**). Still the Supervisor decided to terminate the plaintiff. There were no indication as to any poor job performance or termination action.

October 10, 2022

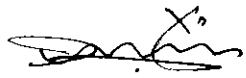
Closed Case No. **7:20-cv-00420-NSR**
COMPLAINT Summary (Page 2 of 2)

U.S. District Court
Southern District of New York

7. Plaintiff was terminated from DCMH on February 5th 2018. The decision was made solely by Mr. Poovappallil and he influenced/forced the employer management to accept his recommendation to terminate the plaintiff. It appears that no one from the Department even bother to go through the details of the Termination Decision.
8. The termination decision was supported by a Hearing Officer, who is also a County Employee, that person was not independent. He was just listening to the Department Supervisor (Mr. Poovappallil). The Plaintiff has over twenty years of dedicated Professional Civil Service work experience which was not given any consideration..
9. None of the charges against the Plaintiff were neither given any advance notice nor given any chances for corrective actions. The Supervisor was determined to terminate the Plaintiff (due to Gender Discrimination) who was never given any prior notice as to any of the charges would result in a termination action. All of the charges were made up solely for the purpose to termination.
10. Upon the plaintiff's termination from the title 'Supervisor-Fiscal Operations', there were two candidates (Joy V. and Siva G.) appointed consecutively. Both of them stayed for lesser periods, approximately three months each and left the job due to disagreements with the Supervisor; they both are still working in other County Departments.
11. The Plaintiff's complaint seeks:
 - a. **reinstatement of the job**; back pay and front pay;
 - b. **compensatory damages**, for emotional distress, mental anguish, pain and suffering; ~~punitive damages reasonable attorneys' fees and costs amounting to \$500,000~~
 - c. (a) **Unpaid salaries and benefits** (including leave balances as of Termination date 2/5/2018); amounting to a total of \$475,000. Actual amount could be calculated by the County/Department.
 - d. By reason of the facts and circumstances stated above, the plaintiff demands judgement against the defendant(s) to pay the plaintiff in the sum of **\$975,000**.

WHEREFORE, plaintiff demands judgement against defendant(s) as stated above (# 11.a. to 11.d.) together with any other relief the Court finds to be just and proper.

Email: tjoseph08@gmail.com


Thomas T Joseph (Plaintiff)

THOMAS T JOSEPH
21 Albemarle Road
White Plains, New York 10605
Phone #: (914) 946-9475
ttjoseph08@gmail.com

October 10, 2022

Hon. NELSON S. ROMAN, U.S. District Judge
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Hon. Judge Roman,

Re. Closed Case #: 7:20-CV-00420-NSR, Joseph v. Westchester County
(Department of Community Mental Health - Thomas S. Poovappallil – Supervisor –
Unlawful Employment practices)

With reference to the above, I would like continue with this Case ("Pro Se Complaint").
There was a correction to the previous submission of the Complaint filed –
Page 3, Section III. A. Federal Claims. Please refer and consider the following items:

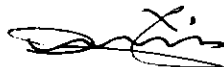
1. I made an inadvertent error on page 3 of the Complaint by stating "N/A" under section III. A. 'Federal Claims' and need to correct it on resubmission.
2. ~~As per the Court Order dated June 9, 2022 I attempted to recommence the Complaint in State Court.~~ However, I was told by the Court representative that the 'Statute of Limitation' has already passed.
3. Due to # 1 & # 2 above I would like "Reopening of the Complaint" in Federal Court.
4. I had submitted all supporting documentation as of the last submission.

Following is the summary of email received on 10/06/22 from, NYSD_ECF_Pool@nysd.uscourts.gov:

MEMO ENDORSEMENT on re: [28] Letter filed by Thomas T. Joseph. ENDORSEMENT: The Court is in receipt of the letters from pro se Plaintiff Thomas T. Joseph, dated September 23, 2022 and September 30, 2022, seeking reopen the instant action. (ECF Nos. 27-28.) This action was dismissed by the Court for lack of subject matter jurisdiction. (ECF No. 23.) If Plaintiff wishes to assert federal claims against Defendants, Plaintiff must commence a new action in federal court.

Thank you for your understanding and cooperation, and hope to hear from you soon.

Sincerely,



Thomas T Joseph

Encl.: a. Employment discrimination Complaint (6 pages),
b. Complaint Summary (2 pages, #s 7 & 8),
c. This Letter (page # 9)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/6/2022

MEMORANDUM ENDORSEMENT

Joseph v. Westchester County Department of Community Mental Health et al.

No. 7:20-cv-420 (NSR)

The Court is in receipt of the letters from *pro se* Plaintiff Thomas T. Joseph, dated September 23, 2022 and September 30, 2022, seeking reopen the instant action. (ECF Nos. 27–28.) This action was dismissed by the Court for lack of subject matter jurisdiction. (ECF No. 23.) If Plaintiff wishes to assert federal claims against Defendants, Plaintiff must commence a new action in federal court.

DATED: October 6, 2022

White Plains, NY

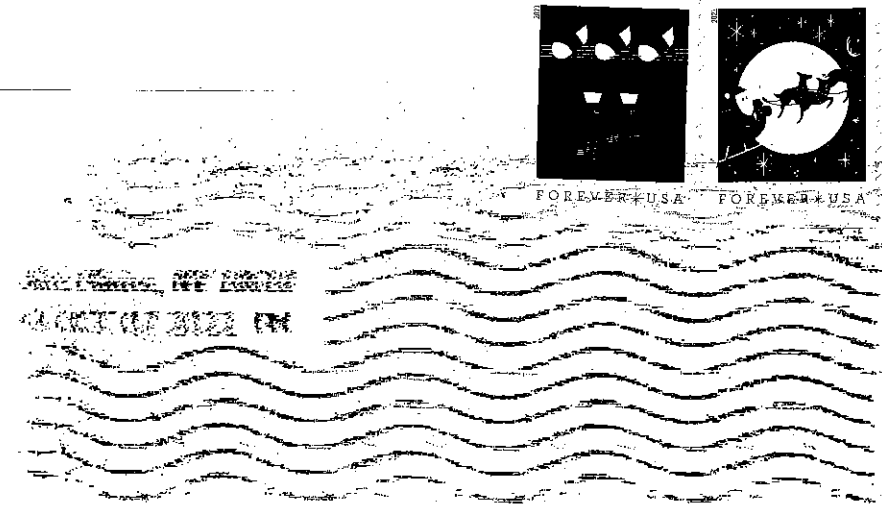
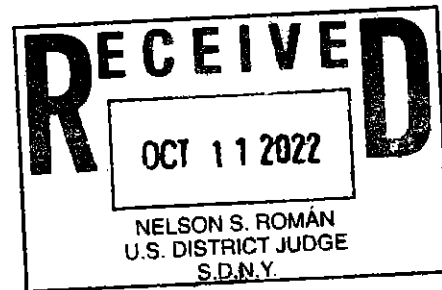
SO ORDERED:


HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

Thomas T. Joseph
21 Albemarle Rd.
White Plains, NY 10605

RECEIVED
SDNY PRO SE OFFICE

2022 OCT 13 PM 3:23



Hon. Nelson S Roman, US District Judge
Federal Building and US Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

